IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael Wayne Graham et al. Examiner: S. Kaush

Serial No.: 09/100.812

Filed: June 19, 1998 APR 1 2 2000

For: SYNTHETIC GENES AND

GENETIC CONSTRUCTS COMPRISIN

SAME I

**Art Unit:** 1633

Docket: 11535

Dated: April 3, 2000

Assistant Commissioner for Patents Washington, DC 20231

## RESPONSE UNDER 37 C.F.R. §§1.111 AND 1.143

Sir:

In response to the Office Action dated December 2, 1999, setting forth a requirement for restriction and in accordance with the provisions of 37 C.F.R. §§ 1.111 and 1.143, Applicants provisionally elect, with traverse, Group I , Claims 1-5, directed to a synthetic gene and a gene construct capable of

## CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on April 3, 2000.

Dated: April 3, 2000

Anna Baerga